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MUIRHEAD AND SATURNELLI, LLC			KRISHNAN, VIVEK V	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/576,048	SHIMAMURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	VIVEK KRISHNAN	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 July 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-50 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-50 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

This action is responsive to the Amendment/Arguments filed on July 3, 2008. Claims 2-50 are pending.

***Response to Arguments***

1. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 102 have been considered but are moot in view of the new ground(s) of rejection.
  
2. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 103 have been fully considered but they are not persuasive.
  - a. Page 18 - "Accordingly, Michael, alone or in combination with any of the other cited references, does not show, teach, or suggest the recited feature of transmitting the watcher list to the user in accordance with a request from the user. Instead, in Michael, the watcher list is maintained by the presence server (1104), which conditionally passes on to users the presence information about other users, not the watcher list as recited in applicants' present independent claims. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn."

Michael, paragraph 21, discloses the user specifying which of its watchers are authorized to receive its presence information. Hence the user must receive the watcher list that is maintained by the presence server.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 16, 17, 26, 32, and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to Claims 16 and 32, Applicant's originally filed disclosure does not include any base station ID. Although references are made to the location and address of the base station.

As to Claims 17 and 26, Applicant's originally filed disclosure makes no reference to different relative presence information being displayed for *different community sets* of the other users. Applicant's disclosure, rather, describes relative presence *suited* to a buddy.

As to Claim 42, Applicant's originally filed disclosure does not include any description of different information being transmitted independently.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 44-50 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1,176,840 to De Vries (IDS submitted March 26, 2007).

7. As to Claim 44, De Vries discloses a server apparatus, comprising:  
a user data section containing information indicating the states of each user and  
containing a buddy list that registers, for each user, other users whose states the user wishes to  
watch (De Vries; Figure 1, and paragraphs 6-8 and 24-31); and  
a web server, coupled to the user data section to transmit, to each user, information  
indicating the states of the other users registered in the buddy list, wherein a list of the other  
users that are watching the state of the user is created and provided to the user in accordance with  
a request from the user (De Vries; Figure 1, and paragraphs 6-8 and 24-31).

8. As to Claim 45, De Vries discloses each and every limitation of Claim 44. De Vries  
further discloses wherein location information is provided to at least one user for at least one of  
the other users that is in the buddy list (De Vries; Figure 1, and paragraphs 6-8 and 24-31).

9. As to Claim 46, De Vries discloses each and every limitation of Claim 45. De Vries  
further discloses wherein each of the users determines proximity of other users in the buddy list  
by calculating a distance between the user and the at least one other user using the location  
information (De Vries; paragraph 62).

10. As to Claim 47, De Vries discloses each and every limitation of Claim 46. De Vries further discloses wherein the distance is compared with a predetermined threshold value (De Vries; paragraphs 34, 35, and 37).

11. As to Claim 48, De Vries discloses each and every limitation of Claim 45. De Vries further discloses wherein the location information includes latitude and longitude information (De Vries; Figure 1, and paragraphs 13).

12. As to Claim 49, De Vries discloses each and every limitation of Claim 45. De Vries further discloses wherein providing location information and providing information indicating the states of other users are performed independently (De Vries; Figure 1, and paragraphs 6-8 and 24-31).

13. As to Claim 50, De Vries discloses each and every limitation of Claim 45. De Vries further discloses wherein the location information is the proximity of the other users to the user (De Vries; Figure 1, and paragraphs 6-8 and 24-31).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-7, 9-14, 16, 18, 19, 21, 23, 24, 27-30, and 32-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries and further in view of U.S. Patent Application Publication No. 2004/0170263 A1 to Michael et al. (hereinafter "Michael")

16. As to Claims 9 and 23, De Vries discloses a server apparatus and method (referenced hereinafter as the apparatus) in a presence display system comprising the server apparatus and a client apparatus for each user, constituted to allow the client apparatus to display the states of other users, comprising:

means for holding information indicating the states of each user and location information that are transmitted by each of the client apparatuses (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses a server that holds people and place specific information about a user that is transmitted by a client apparatus);

means for storing a buddy list that registers other users whose states the user wishes to watch, for each user (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses the server storing a buddy list for each user);

means for transmitting, to each user, information indicating the states of other users registered in the buddy list and information relating to the distance between the user and the other users (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses the server transmitting to each user state, location, and proximity information regarding other users registered in the buddy list); and

De Vries does not explicitly disclose, however Michael discloses means for creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user (Michael; paragraphs 19 and 21, discloses creating a watcher list and transmitting the list to the user for authorization),

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a presence system, as disclosed by De Vries, to include a watcher list and transmitting the watcher list to a user, as disclosed by Michael, in order to more effectively provide presence information (Michael; paragraph 4).

17. As to Claims 2 and 27, De Vries and Michael disclose each and every limitation of Claims 9 and 23. De Vries further discloses wherein the location information includes latitude and longitude information (De Vries; Figure 1, and paragraphs 13, discloses the user place information includes geographical coordinates), and the apparatus further comprises:

means for calculating the distance between the user and the other users registered in the buddy list on the basis of the latitude and longitude information transmitted by each user (De Vries; paragraphs 34 and 35, discloses the server calculates the distance between the user and other users registered in the buddy list), and

determining the proximity of the other users by comparing the calculated distance with a predetermined threshold value, and wherein the proximity thus determined is transmitted to the client apparatus as information relating to the distance between the user and the other users (De Vries; paragraphs 34, 35, and 37, discloses determining the proximity of the other users based on a predetermined threshold and transmitting the proximity information to the user).

18. As to Claims 3 and 28, De Vries and Michael disclose each and every limitation of Claims 2 and 27. De Vries further discloses wherein the threshold value can be optionally set by each user (De Vries; paragraphs 34 and 35, discloses the threshold value may be set by the user).

19. As to Claims 4 and 34, De Vries and Michael disclose each and every limitation of Claims 2 and 27. De Vries further discloses wherein the location information further includes address information, and address information is transmitted to the client apparatus in addition to the proximity (De Vries; paragraph 24, discloses location information transmitted also includes whether the place is the user's home or place of work).

20. As to Claims 5 and 33, De Vries and Michael disclose each and every limitation of Claims 9 and 27. De Vries further discloses wherein means for storing information indicating whether a user gives consent for information , relating to the distance thereof to be transmitted to the other users is provided for each user, and the information relating to the distance is not transmitted to the client apparatus of users that have not consented to the transmission of information relating to distance (De Vries; paragraph 29, discloses the user consenting to place specific information being provided to other users in order for the server to provide the information).

21. As to Claims 6 and 35, De Vries and Michael disclose each and every limitation of Claims 4 and 34. De Vries further discloses wherein

means for storing information indicating whether a user gives consent for address information thereon to be transmitted to other users is provided for each user, and the address information is not transmitted to the client apparatus of users that have not consented to the transmission of address information (De Vries; paragraph 29, discloses the user consenting to place specific information being provided to other users in order for the server to provide the information).

22. As to Claims 7 and 24, De Vries and Michael disclose each and every limitation of Claims 9 and 23. De Vries further discloses wherein

the buddy list is constituted by a plurality of community sets in which other users whose state the user wishes to watch are registered in groups (De Vries; paragraph 29, discloses the buddy list is constituted by a plurality of community sets); and

information indicating the states of the other users registered in a community set designated by the user and information relating to the distances between the user and the other users are transmitted to the client apparatus (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses the server transmitting to each user state, location, and proximity information regarding other users registered in the buddy list).

23. As to Claims 13 and 29, De Vries and Michael disclose each and every limitation of Claims 9 and 27. De Vries further discloses:

means for receiving location information from each of the client apparatuses (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses a server that holds location information about a user that is received from each client apparatus).

24. As to Claims 14 and 30, De Vries and Michael disclose each and every limitation of Claims 9 and 27. De Vries further discloses:

means for transmitting location information to each of the client apparatuses (De Vries; Figure 1, and paragraphs 6-8 and 24-31, location information to each client apparatus).

25. As to Claims 16 and 32, De Vries and Michael disclose each and every limitation of Claims 9 and 27. De Vries further discloses:

means for determining location information using a base station id associated with each of the client apparatuses (De Vries; paragraph 21; wireless tower).

26. As to Claim 36, De Vries and Michael disclose each and every limitation of Claim 9. De Vries further discloses wherein information relating to distance between the user and other users includes location information of the other users that is transmitted to the user and used by the user to calculate the distance (De Vries; paragraph 62).

27. As to Claim 38, De Vries and Michael disclose each and every limitation of Claim 23. De Vries further discloses:

transmitting, to each user, location information for at least one other user in the buddy list (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses the server transmitting to each user state, location, and proximity information regarding other users registered in the buddy list).

28. As to Claim 39, De Vries and Michael disclose each and every limitation of Claim 38. De Vries further discloses:

each of the users determining proximity of other users in the buddy list by calculating a distance between the user and the at least one other user using the location information (De Vries; paragraph 62).

29. As to Claim 40, De Vries and Michael disclose each and every limitation of Claim 39. De Vries further discloses:

comparing the distance with a predetermined threshold value (De Vries; paragraphs 34, 35, and 37).

30. As to Claim 41, De Vries and Michael disclose each and every limitation of Claim 38. De Vries further discloses wherein the location information includes latitude and longitude information (De Vries; Figure 1, and paragraphs 13).

31. As to Claim 42, De Vries and Michael disclose each and every limitation of Claim 38. De Vries further discloses wherein transmitting location information and transmitting information

indicating the states of other users are performed independently (De Vries; Figure 1, and paragraphs 6-8 and 24-31).

32. As to Claim 43, De Vries and Michael disclose each and every limitation of Claim 38. De Vries further discloses wherein the location information is the proximity of the other users to the user (De Vries; Figure 1, and paragraphs 6-8 and 24-31).

33. As to Claim 10, De Vries discloses a client apparatus in a presence display system comprising a server apparatus and a client apparatus for each user, constituted to allow the client apparatus to display the states of other users, comprising:

means for transmitting information indicating the state of the user and location information to the server apparatus (De Vries; paragraph 6, discloses the user transmitting information indicating the state and location of the user);

means for receiving information indicating the states of other users and information relating to the distance between the user and the other users from the server apparatus (De Vries; paragraphs 6-8 and 24-31, discloses the user receiving information from the server indicating the state, location, and proximity of other users);

means for displaying the states of the other users in a display form that corresponds with the distance between the other users and the user on the basis of the information indicating the states of the other users and information relating to the distance between the user and the other

users thus received (De Vries; paragraph 6, discloses graphically displaying the state, location, and proximity information determined by the server on the client device); and

De Vries does not explicitly disclose, however Michael discloses means for receiving a list of other users that are watching the state of the user in accordance with a request therefor (Michael; paragraphs 19 and 21, discloses creating a watcher list and transmitting the list to the user for authorization),

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a presence system, as disclosed by De Vries, to include a watcher list and transmitting the watcher list to a user, as disclosed by Michael, in order to more effectively provide presence information (Michael; paragraph 4).

34. As to Claim 11, De Vries and Michael disclose each and every limitation of Claim 10. De Vries further discloses wherein

the information relating to the distance between the user and the other users is the proximity that is determined by comparing the distance between the user and the other users with a predetermined threshold value (De Vries; paragraphs 34 and 35, discloses determining the proximity between the user and other users using a predetermined threshold value); and

the displaying means displays an image corresponding with the information indicating the states of the other users received from the server apparatus with a size that corresponds with the proximity (De Vries; paragraphs 6, 34, and 35, discloses graphically displaying the state, location, and proximity information determined by the server on the client device).

35. As to Claim 12, De Vries and Michael disclose each and every limitation of Claim 10.

De Vries further discloses wherein

the information relating to the distance between the user and the other users further includes address information, and the displaying means is capable of displaying the addresses of the other users (De Vries; paragraphs 6 and 24, discloses graphically displaying the state, location, and proximity information, including address information, determined by the server on the client device).

36. As to Claim 18, De Vries and Michael disclose each and every limitation of Claim 10.

De Vries further discloses:

means for transmitting location information to the server (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses a server that holds location information about a user that is transmitted by each client apparatus).

37. As to Claim 19, De Vries and Michael disclose each and every limitation of Claim 10.

De Vries further discloses:

means for receiving location information from the server (De Vries; Figure 1, and paragraphs 6-8 and 24-31, location information received by client apparatus).

38. As to Claim 21, De Vries and Michael disclose each and every limitation of Claim 10.

De Vries further discloses:

means for determining location information using a base station id associated with the client apparatus (De Vries; paragraph 21; wireless tower).

39. As to Claim 37, De Vries and Michael disclose each and every limitation of Claim 10. De Vries further discloses wherein information relating to distance between the user and other users includes location information of the other users that is transmitted to the client apparatus and used by the client apparatus to calculate the distance (De Vries; paragraph 62).

40. Claims 8, 17, 22, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries and Michael as applied to Claims 7, 10, and 24 above, and further in view of U.S. Patent No. 6,658,095 to Yoakum et al. (hereinafter “Yoakum”).

41. As to Claims 8 and 25, De Vries and Michael disclose each and every limitation of Claims 7 and 24. De Vries and Michael do not explicitly disclose, however Yoakum discloses wherein

a relative presence setting table, which associates and stores information indicating the state of the user and information indicating states transmitted to the other user in accordance with the community sets to which the other users that have registered the user in a buddy list belong, is provided for each user; and when information indicating the states of each user is transmitted to other users that are watching the state of the user, information indicating states corresponding with the community sets of the other users is transmitted by referencing the relative presence

setting table (Yoakum; column 2 lines 31-54 and column 7 lines 1-35, discloses a presence system that transmits different presence information to different users or groups of users based on the same state information using rules management logic which is referenced to evaluate the state information and provide the different presence information).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a presence system, as disclosed by De Vries, to include a relative presence setting table, as disclosed by Yoakum, in order to provide different presence information to different users (Yoakum; column 2 lines 22-29).

42. As to Claims 17 and 26, De Vries, Michael, and Yoakum disclose each and every limitation of Claims 8 and 25. Yoakum further discloses wherein the relative presence setting table causes different relative presence information to be displayed for different community sets of the other users (Yoakum; column 2 lines 31-54 and column 7 lines 1-35; different presence information displayed for different groups).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a presence system, as disclosed by De Vries, to include a relative presence setting table, as disclosed by Yoakum, in order to provide different presence information to different users (Yoakum; column 2 lines 22-29).

43. As to Claim 22, De Vries and Michael disclose each and every limitation of Claim 10. De Vries and Michael do not explicitly disclose, however Yoakum discloses wherein

a relative presence setting table, which associates and stores information indicating the state of each user and information indicating states transmitted to the other user in accordance with the community sets to which the other users that have registered the user in a buddy list belong, is provided for each user; and when information indicating the states of each user is transmitted to other users that are watching the state of the user, information indicating states corresponding with the community sets of the other users is transmitted by referencing the relative presence setting table, wherein the relative presence setting table causes different relative presence information to be displayed for different community sets of the other users (Yoakum; column 2 lines 31-54 and column 7 lines 1-35, discloses a presence system that transmits different presence information to different users or groups of users based on the same state information using rules management logic which is referenced to evaluate the state information and provide the different presence information; different presence information displayed for different groups).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a presence system, as disclosed by De Vries, to include a relative presence setting table, as disclosed by Yoakum, in order to provide different presence information to different users (Yoakum; column 2 lines 22-29).

44. Claims 15, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries and Michael as applied to Claims 9, 10, and 27 above, and further in view of U.S. Patent Application Publication No. 2004/0162882 to Mora.

45. As to Claims 15 and 31, De Vries and Michael disclose each and every limitation of Claims 9 and 27. De Vries and Michael do not explicitly disclose, however Mora discloses: means for transmitting a state of movement of each user to each of the client apparatuses (Mora; paragraphs 18 and 22; state of motion).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify presence information, as disclosed by De Vries, to include state of movement, as disclosed by Mora, in order to provide real-time presence information.

46. As to Claim 20, De Vries and Michael disclose each and every limitation of Claim 10. De Vries and Michael do not explicitly disclose, however Mora discloses:

means for receiving a state of movement of each user from the server (Mora; paragraphs 18 and 22; state of motion).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify presence information, as disclosed by De Vries, to include state of movement, as disclosed by Mora, in order to provide real-time presence information.

### *Conclusion*

47. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIVEK KRISHNAN whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VK

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2445